

May 4, 1960, when it was on motion referred to the Senate Committee on Rules and Administration.⁽¹⁵⁾

§ 14. Investigations by Select Committees

In recent Congresses (until the 93d Congress), a select committee to investigate campaign expenditures had been created by one Congress to study and review certain pending matters and to forward its findings to the next Congress for appropriate action and use.⁽¹⁶⁾ Such findings have been used by the Committee on House Administration in judging and investigating election contests and the validity of certain elections.⁽¹⁷⁾ In the 93d Congress, the House granted the Committee on House Administration subpoena power to

conduct investigations into election contests and practices, thereby enabling the committee to assume the functions and duties of the select committee,⁽¹⁸⁾ and effective Jan. 3, 1975, the Committee on House Administration as well as all other standing committees was given subpoena power, under Rule XI, clause 2(m), whether or not the House is in session.

The former Select Committee on Standards of Official Conduct had authority to investigate improper conduct by Members, including campaign activities.⁽¹⁹⁾

The Senate has established select committees to investigate improper campaign activities.⁽²⁰⁾

Creation of Select Committee to Investigate Campaign Expenditures

§ 14.1 In the 91st Congress, the House agreed to a privileged resolution, reported by the Committee on Rules, estab-

15. 106 CONG. REC. 9403-07, 86th Cong. 2d Sess.

16. See §§ 14.1-14.3, *infra*, for creation and funding of such select committees.

Select committees, their creation, powers and procedures, see Ch. 17, *infra*.

Investigations and inquiries generally, see Ch. 15, *infra*.

17. See §§ 14.4 et seq., *infra*. For a discussion of the jurisdictional overlap between the select committee and the Committee on House Administration, see § 14.6, *infra*.

18. See H. Res. 737, 93d Cong. 2d Sess.

19. See § 14.9, *infra*.

The Senate Select Committee on Standards of Official Conduct recommended the censure of a Senator, who was then censured by the Senate, for improper use and conversion of campaign funds, in the 90th Congress (see § 12.3, *supra*).

20. See §§ 14.10-14.12, *infra*.

lishing a select committee to investigate and report on campaign expenditures and practices by candidates for the House.

On Aug. 4, 1970,⁽¹⁾ Mr. Thomas P. O'Neill, Jr., of Massachusetts, called up and the House adopted the following resolution, reported as privileged by the Committee on Rules:

H. RES. 1062

Resolved, That a special committee of five Members be appointed by the

1. 116 CONG. REC. 27125, 27126, 91st Cong. 2d Sess. As indicated by the note to §10.10, *supra*, the creation of such a select committee is no longer necessary.

For similar select committees created by resolution, see H. Res. 929, 89th Cong. 2d Sess., Aug. 11, 1966, and H. Res. 1239, 90th Cong. 2d Sess., Aug. 1, 1968.

See also H. Res. 131, 93d Cong. 1st Sess., Jan. 15, 1973, continuing and funding a special committee on campaign expenditures. The resolution extended the special committee created in the 92d Congress, in order to enable it to assist the Clerk in investigating new allegations of violations of federal election laws.

H. Res. 279, 93d Cong. 1st Sess., authorized joint investigations by the select committee and the Clerk, so that the subpoena power of the committee could be used by the Clerk in carrying out his functions under the Federal Elections Campaign Act of 1971.

Speaker of the House of Representatives to investigate and report to the House not later than January 11, 1971, with respect to the following matters:

(1) The extent and nature of expenditures made by all candidates for the House of Representatives in connection with their campaign for nomination and election to such office.

(2) The amount subscribed, contributed, or expended, and the value of services rendered, and facilities made available (including personal services, use of advertising space, radio and television time, office space, moving picture films, and automobile and any other transportation facilities) by any individual, individuals, or group of individuals, committee, partnership, corporation, or labor union, to or on behalf of each such candidate in connection with any such campaign or for the purpose of influencing the votes cast or to be cast at any convention or election held in 1970 to which a candidate for the House of Representatives is to be nominated or elected.

(3) The use of any other means or influence (including the promise or use of patronage) for the purpose of aiding or influencing the nomination or election of any such candidates.

(4) The amounts, if any, raised, contributed, and expended by any individual, individuals, or group of individuals, committee, partnership, corporation, or labor union, including any political committee thereof, in connection with any such election, and the amounts received by any political committee from any corporation, labor union, individual, individuals, or group of individuals, committee, or partnership.

(5) The violations, if any, of the following statutes of the United States:

(a) The Federal Corrupt Practices Act.

(b) The Act of August 2, 1939, as amended, relating to pernicious political activities, commonly referred to as the Hatch Act.

(c) The provisions of section 304, chapter 120, Public Law 101, Eightieth Congress, first session, referred to as the Labor-Management Relations Act, 1947.

(d) Any statute or legislative Act of the United States or of the State within which a candidate is seeking nomination or reelection to the House of Representatives, the violation of which Federal or State statute, or statutes, would affect the qualification of a Member of the House of Representatives within the meaning of article I, section 5, of the Constitution of the United States.

(6) Such other matters relating to the election of Members of the House of Representatives in 1970, and the campaigns of candidates in connection therewith, as the committee deems to be of public interest, and which, in its opinion, will aid the House of Representatives in enacting remedial legislation, or in deciding contests that may be instituted involving the right to a seat in the House of Representatives.

(7) The committee is authorized to act upon its own motion and upon such information as in its judgment may be reasonable or reliable. Upon complaint being made to the committee under oath, by any person, candidate or political committee, setting forth allegations as to facts which, under this resolution, it would be the duty of said

committee to investigate, the committee shall investigate such charges as fully as though it were acting upon its own motion, unless, after a hearing upon such complaint, the committee shall find that the allegations in such complaint are immaterial or untrue. All hearings before the committee, and before any duly authorized subcommittee thereof, shall be public, and all orders and decisions of the committee, and of any such subcommittee, shall be public.

For the purpose of this resolution, the committee or any duly authorized subcommittee thereof, is authorized to hold such public hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Ninety-first Congress, to employ such attorneys, experts, clerical, and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, and to take such testimony as it deems advisable. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by such chairman, and may be served by any person designated by any such chairman or member.

(8) The committee is authorized and directed to report promptly any and all violations of any Federal or State statutes in connection with the matters and things mentioned herein to the Attorney General of the United States in order that he may take such official action as may be proper.

(9) Every person who, having been summoned as a witness by authority of said committee or any subcommittee

thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties prescribed by law.

That said committee is authorized and directed to file interim reports whenever in the judgment of the majority of the committee, or of the subcommittee conducting portions of said investigation, the public interest will be best served by the filing of said interim reports, and in no event shall the final report of said committee be filed later than January 11, 1971, as hereinabove provided.

§ 14.2 A resolution creating a special committee to investigate and report on campaign expenditures of all Members is called up as privileged.

On Aug. 10, 1966, there was reported by the Committee on Rules House Resolution 929, authorizing the Speaker to appoint a special committee to investigate and report on campaign expenditures of candidates for the House of Representatives. The resolution was called up as privileged on Aug. 11 and agreed to by the House.⁽²⁾

Similarly, on Aug. 1, 1968,⁽³⁾ the Committee on Rules offered House Resolution 1239 authorizing the

2. 112 CONG. REC. 18775, 19080, 19081, 89th Cong. 2d Sess.

3. 114 CONG. REC. 24770, 24771, 90th Cong. 2d Sess.

Speaker to appoint a special committee to investigate and report on campaign expenditures of candidates for the House. The resolution was called up as privileged and was agreed to. On Aug. 2, 1968, Speaker John W. McCormack, of Massachusetts, appointed members to the special committee pursuant to the resolution.⁽⁴⁾

§ 14.3 Funds for a special committee to investigate campaign expenditures are authorized by House resolution and paid from the contingent fund.

On Aug. 2, 1968,⁽⁵⁾ the House passed a resolution authorizing the payment of expenses for an investigation to be conducted by the special committee to investigate campaign expenditures, established by House Resolution 1239. The resolution provided for payment from the contingent fund for staff members and for other expenditures of the committee.

Since the resolution was not reported from the Committee on

4. 114 CONG. REC. 25064, 90th Cong. 2d Sess.

The Committee on Rules reports as privileged a report on a resolution creating a select committee. See, for example, 108 CONG. REC. 16000, 87th Cong. 2d Sess., Aug. 9, 1962. Generally, see Ch. 17. *infra*.

5. 114 CONG. REC. 25065, 90th Cong. 2d Sess.

House Administration, the resolution was not called up as privileged:

MR. [SAMUEL N.] FRIEDEL [of Maryland]: Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 1281.

The Clerk read the resolution, as follows:

H. RES. 1281

Resolved, That the expenses of conducting the investigation authorized by H. Res. 1239, Ninetieth Congress, incurred by the Special Committee To Investigate Campaign Expenditures, 1968, acting as a whole or by subcommittee, not to exceed \$50,000, including expenditures for employment of experts, special counsel, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by said committee, signed by the chairman of the committee, and approved by the Committee on House Administration.

Sec. 2. The official stenographers to committees may be used at all hearings held in the District of Columbia if not otherwise engaged.

THE SPEAKER: ⁽⁶⁾ Is there objection to the request of the gentleman from Maryland?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Use of Select Committee Findings to Judge Elections

§ 14.4 The findings of a special committee to investigate

6. John W. McCormack (Mass.).

campaign expenditures, established by the House in the preceding Congress, may be transmitted to the Committee on House Administration and used where applicable by parties to election contests.⁽⁷⁾

§ 14.5 A special committee to study campaign expenditures of the Members in the preceding Congress has recommended that the Committee on House Administration investigate and report to the House by a certain date.⁽⁸⁾

§ 14.6 Where the Select Committee to Investigate Campaign Expenditures of the

7. See H. REPT. NO. 1599 and H. Res. 580 in the contested election case of *Macy v Greenwood*, First Congressional District of New York, reported Mar. 19, 1952. 98 CONG. REC. 2545, 82d Cong. 2d Sess.

For a resolution adopted in the 93d Congress granting the Committee on House Administration subpoena power in conducting investigations, thereby enabling it to assume the functions of the select committee, see H. Res. 737, 93d Cong. 2d Sess.

8. See H. REPT. NO. 2482 and H. Res. 676 in the election contest of *Oliver v Hale*, for the First Congressional District of Maine, reported Aug. 6, 1958, 104 CONG. REC. 16481, 85th Cong. 2d Sess.

89th Congress investigated the election of a Member-elect and recommended that his right to his seat be reserved for decision, he was sworn in, but his final right to a seat was referred to the Committee on House Administration.

On Jan. 10, 1967,⁽⁹⁾ the House passed a resolution authorizing the administration of the oath to Member-elect Benjamin B. Blackburn, of Georgia, but directing that his final right to a seat be referred to the Committee on House Administration. The determination of his right to a seat was reserved for later decision pursuant to the recommendation of the Select Committee to Investigate Campaign Expenditures appointed in the 89th Congress.⁽¹⁰⁾

The right of Mr. Blackburn to his seat was then treated as a contested election case, and the Committee on House Administration recommended that Mr. Blackburn be declared entitled to his seat after the investigation.⁽¹¹⁾

On July 11, 1967,⁽¹²⁾ the House adopted House Resolution 542, re-

ported by the committee, affirming the right of Mr. Blackburn to his seat. The resolution was offered by Mr. Robert T. Ashmore, of South Carolina. He discussed the basis for the investigation, including the dispute concerning the accuracy of computers used to count the ballots.

Mr. Charles E. Goodell, of New York, remarked in debate on the function of the Select Committee on Campaign Expenditures and the conflict in jurisdiction between that committee and the Subcommittee on Elections of the Committee on House Administration.

MR. GOODELL: Mr. Speaker, I also join in the committee decision in this instance to dismiss the contest brought by Mr. Mackay against the incumbent contestee, the gentleman from Georgia [Mr. Blackburn]. It should be emphasized that at this stage Mr. Mackay has requested the withdrawal of his contest, so there is really no issue left to argue about.

I think there is one point, however, that should be made in this debate which affects all of us in the possibility of election contests in our own districts in the future. We must move to clarify the whole procedure of election contests in the interim between the election date and the opening of a new Congress. In that period the jurisdiction lies to a degree in the Special Committee on Campaign Expenditures. As a practical matter, the ultimate decision for investigating and deter-

9. 113 CONG. REC. 27, 90th Cong. 1st Sess.

10. See H. REPT. NO. 2348, 89th Cong. 2d Sess., Jan. 3, 1967.

11. 113 CONG. REC. 15848, 15849, 90th Cong. 1st Sess., June 14, 1967.

12. 113 CONG. REC. 18291, 18292, 90th Cong. 1st Sess.

mining election contests rests with the new Congress and with the Subcommittee on Elections of the Committee on House Administration. We have had in the past confusion in election contest cases. The contester in some instances has felt he had complied with the law by giving notice of contest to the Special Committee on Campaign Expenditures and failed to give notice under the law to the Clerk of the House and the Subcommittee on Elections of the Committee on House Administration.

In addition, Mr. Speaker, it seems unnecessary that we have two such subcommittees operating with overlapping jurisdiction.

We have moved to a degree to provide that the membership of the Special Committee on Campaign Expenditures will be the same as the membership of the House Subcommittee on Elections.

Perhaps this would be a solution. In any event I believe this Congress should move to try to eliminate the overlapping and confusion that exists in the present law between the jurisdictions of these two committees. It caused some difficulty in this instance. The Special Committee on Campaign Expenditures spent considerable time debating its proper jurisdiction, and the special committee ultimately, by a divided vote, recommended that the gentleman from Georgia [Mr. Blackburn] not be seated on opening day. There was considerable difference of opinion as to the proper jurisdiction of the Elections Subcommittee as distinguished from the Campaign Expenditures Special Committee in this situation.

Mr. Speaker, I would hope that we could move to eliminate any possibility of this type of confusion in the future.

§ 14.7 Both candidates for a congressional seat filed petitions with the special campaign expenditures committee of the preceding Congress, which committee investigated only one petition filed therewith.

On June 13, 1961,⁽¹³⁾ the Committee on House Administration reported on the Roush-Chambers election contest for the Fifth Congressional District of Indiana. As indicated by the report (H. Rept. No. 513) and by the debate in the House on House Resolution 339, on June 14, 1961, declaring Mr. J. Edward Roush entitled to the seat, both candidates had filed petitions with the special campaign expenditures committee created in the 86th Congress. The dispute was resolved in favor of Mr. Roush, although the committee had prepared findings on and had investigated only one of the petitions filed therewith.⁽¹⁴⁾

§ 14.8 The Committee on House Administration took

13. 107 CONG. REC. 10186, 87th Cong. 1st Sess.

14. For debate on the resolution, see 107 CONG. REC. 10377-91, 87th Cong. 1st Sess. For minority views criticizing the action of the special committee and the action of the Committee on House Administration, see *id.* at p. 10381.

“judicial notice” of complaints filed with a special committee to investigate campaign expenditures of the preceding Congress, although the special committee had failed to make recommendations thereon.

On Apr. 22, 1958,⁽¹⁵⁾ the Committee on House Administration reported on the contested election case of *Carter v LeCompte* for the Fourth Congressional District of Iowa, and recommended that the contestee be declared entitled to his seat. In its report, House Report No. 1626, the committee took judicial notice of complaints filed by the contestant with the special committee to investigate campaign expenditures which had been created and appointed in the 84th Congress. The special committee had not taken any action on those complaints.

On June 17, 1958, the House debated and adopted House Resolution 533 declaring the contestee entitled to the seat.⁽¹⁶⁾

Former Select Committee on Standards and Conduct

§ 14.9 In the 89th Congress, the House established a Select

15. 104 CONG. REC. 6939, 85th Cong. 2d Sess.

16. 104 CONG. REC. 11512–17, 85th Cong. 2d Sess.

Committee on Standards and Conduct, with authority to investigate allegations of improper conduct by Members.

On Oct. 19, 1966,⁽¹⁷⁾ a resolution establishing a Select Committee on Standards and Conduct, offered by the Committee on Rules, was called up as privileged (H. Res. 1013). The function of the proposed committee was to investigate allegations of improper conduct by Members, to recommend disciplinary action to the House, and to transmit recommendations as to any necessary legislation. The House passed the resolution, as amended, on the same day.⁽¹⁸⁾

Senate Select Committee on Campaign Practices

§ 14.10 A special Senate committee established in the 71st

17. 112 CONG. REC. 27713–29, 89th Cong. 2d Sess.

18. Expenditures by the Select Committee on Standards and Conduct were authorized to be paid out of the contingent fund of the House. 112 CONG. REC. 27730, 89th Cong. 2d Sess., Oct. 19, 1966. The Speaker [John W. McCormack (Mass.)] announced his appointments to the select committee on Oct. 20, 1966, 112 CONG. REC. 28112, 89th Cong. 2d Sess.

A standing Committee on Standards of Official Conduct, with jurisdiction over campaign contributions, was established in the 90th Congress (see Ch. 17, *infra*).

Congress to investigate campaign practices and violations of the Corrupt Practices Act held extensive hearings and proposed legislation intended to remedy certain defects in the act.

On Apr. 10, 1930, the Senate passed Senate Resolution 215, establishing a special committee to investigate the elections of 1930, with respect to campaign expenditures, election primaries, election contests, campaign practices, and alleged violations of the Federal Corrupt Practices Act of 1925.

The committee conducted extensive hearings and submitted reports on the effectiveness of the act⁽¹⁹⁾ and on alleged violations thereof.⁽²⁰⁾

§ 14.11 The Vice President was authorized to appoint a special committee for an investigation of alleged attempts to improperly influence the Senate through campaign contributions.

On Feb. 22, 1956,⁽¹⁾ the Senate adopted Senate Resolution 219,

19. S. REPT. NO. 20, 72d Cong. 1st Sess., submitted pursuant to S. Res. 215, printed in 75 CONG. REC. 977-79, 72d Cong. 1st Sess., Dec. 21, 1931.

20. S. REPT. NO. 24, pursuant to S. Res. 403, 72d Cong. 1st Sess., Dec. 21, 1931.

1. 102 CONG. REC. 3116, 84th Cong. 2d Sess.

authorizing an investigation by a special committee of lobbying activities. (The Senate had previously authorized an investigation into an alleged effort to influence a Senator, by contributing to his campaign, in relation to the natural gas bill, S. 1853.) In his veto message on the gas bill, President Eisenhower stated that accumulated evidence of questionable activities in relation to the bill indicated a substantial threat to the integrity of the governmental process.

Senate Resolution 219, as agreed to, provided in part:

Resolved, That there is hereby established a special committee which is authorized and directed to investigate the subject of attempts to influence improperly or illegally the Senate or any Member thereof, or any candidate therefor, or any officer or employee of the executive branch of the Government, through campaign contributions, political activities, lobbying, or any and all other activities or practices. . . .

. . . The special committee shall consist of 8 members to be appointed by the Vice President. . . .

. . . The special committee shall report to the Senate by January 31, 1957, and shall include in its report specific recommendations (1) to improve and modernize the Federal election laws; (2) to improve and strengthen the Federal Corrupt Practices Act, the Hatch Act, and the Federal Regulation of Lobbying Act, and related laws; and (3) to insure appropriate ad-

ministrative action in connection with all persons, organizations, associations, or corporations believed to be guilty of wrongdoing punishable by law.

§ 14.12 In the 84th Congress, the Senate by resolution created a select committee to investigate an attempt by a campaign contributor to influence the vote of a Senator.

On Feb. 7, 1956,⁽²⁾ there was laid before the Senate a resolution (S. Res. 205) establishing a select committee to investigate allegedly improper attempts through political contributions to influence the

vote of a Senator. The Senate adopted the resolution:

Resolved, That there is hereby established a select committee to investigate the circumstances involving an alleged improper attempt through political contributions to influence the vote of the junior Senator from South Dakota [Mr. Case] in connection with the Senate's consideration of the bill S. 1853, the natural gas bill.

Parliamentarian's Note: During the consideration of S. 1853, the gas bill, Senator Francis H. Case announced that an attempt had been made to influence his vote on the measure by tendering him a campaign contribution.

D. CERTIFICATES OF ELECTION

§ 15. In General; Form

After congressional elections have been conducted and results tabulated, the official returns are transmitted to the state executive, or other official designated to re-

ceive them under state law, for the issuance of a certificate of election.⁽³⁾ These certificates, also termed "credentials," are sent to the Clerk of the House for initial use in composing the Clerk's roll before the convening of Congress.

2. 102 CONG. REC. 2167, 84th Cong. 2d Sess.

3. The subject of this division is the issuance and form of election certificates, substantive grounds for challenge to their validity, and the practice of the House in determining whether a Member-elect may be sworn on the strength of his certificate.

On occasion, challenges to the validity of an election or to the satis-

faction of qualifications (see §§ 16.6, 16.7, *infra*) or to other matters are stated as challenges to the credentials. Such challenges are treated elsewhere; see Ch. 2, *supra* (enrolling Members and administering the oath), Ch. 7, *supra* (qualifications of Members), and Ch. 9, *infra* (election contests).